

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

**RANDALL TURNER,**

**Plaintiff,**

**v.**

**TONY PARKER et al.,**

**Defendants.**

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**Case No. 3:18-cv-00003  
Judge Aleta A. Trauger**

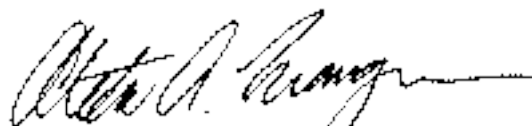
**ORDER**

Before the court are *pro se* plaintiff Randall Turner's Objections (Doc. No. 78) to the magistrate judge's Report and Recommendation ("R&R") (Doc. No. 77), which recommends that defendant Arthur Bellott's Motion to Dismiss (Doc. No. 76) be granted and that the claims against that defendant be dismissed.

For the reasons explained in the accompanying Memorandum, the plaintiff is correct that the magistrate judge clearly erred in referring to *Wells v. Brown*, 891 F.2d 591, 593 (6th Cir. 1989), as supporting a conclusion that the plaintiff's pleading must be construed as stating a claim against Dr. Bellott in his official capacity only. However, the magistrate judge's ultimate conclusion did not rely on that finding, and the plaintiff's other objections are without merit. The court, having conducted a *de novo* review of the plaintiff's allegations against Dr. Bellott in light of the motion to dismiss, **ACCEPTS** the magistrate judge's recommendation that the claims against Dr. Bellott be dismissed for failure to state a claim for which relief may be granted. The defendant's Motion to Dismiss (Doc. No. 76) is **GRANTED** on that basis, and the claims against Dr. Bellott are **DISMISSED**.

This case remains referred to the magistrate judge.

It is so **ORDERED**.



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ALETA A. TRAUGER  
United States District Judge